

RESOLUTION 14-109

Resolution of the City of Westfield Adopting an Amendment to the American With Disabilities Policy of the City

WHEREAS, The City of Westfield, ("City") is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council ("Council"); and,

WHEREAS, the Council has the duty and authority to maintain the updated policies as it impacts the citizens of the city and the maintenance of appropriate and current policies; and,

WHEREAS, the Council has been previously adopted policies regarding the American With Disabilities Act ("ADA") and its compliance and has now been presented with an updated policy reflecting any and all amendments to the ADA. Adoption is necessary for to be compliant.

NOW, THEREFORE, BE IT RESOLVED by the Westfield City Common Council meeting in session as follows:

- Section 1.** That the City had previously adopted a policy in furtherance of the ADA as it applies to the projects and activities undertaken by the City and now finds that the policy should be amended and updated pursuant to amendments to the ADA. Said amended policy is attached hereto as Exhibit "A" and incorporated by reference herein.
- Section 2.** That Council does hereby adopt the spirit and contents of the amendments of the ADA as it applies to the City of Westfield and reflected by Exhibit "A".
- Section 3.** This Resolution shall be in full force and effect immediately. Staff shall update and implement the policies as amended and all acts undertaken in furtherance of the updating of this policy and the creation of Exhibit "A" are hereby ratified.


ALL OF WHICH IS RESOLVED THIS 15 DAY OF April 2014.

WESTFIELD CITY COUNCIL

Voting For


Voting Against

Abstain


Jim Ake

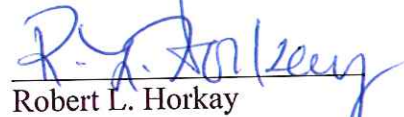
Jim Ake

Jim Ake


Steven Hoover


Steven Hoover

Steven Hoover


Robert L. Horkay

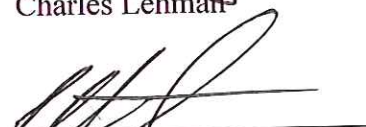
Robert L. Horkay

Robert L. Horkay


Charles Lehman

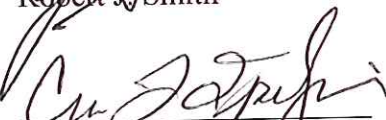
Charles Lehman

Charles Lehman


Robert J. Smith

Robert J. Smith

Robert J. Smith


Cindy L. Spoljaric

Cindy L. Spoljaric


Cindy L. Spoljaric


Robert W. Stokes

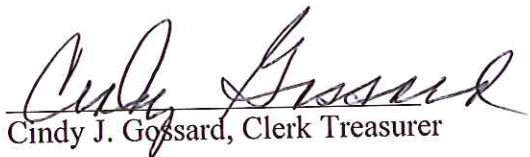
Robert W. Stokes

Robert W. Stokes

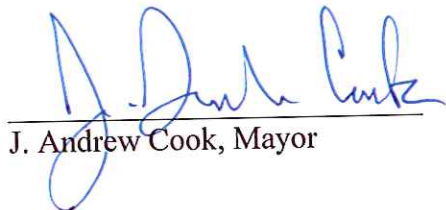
ATTEST:


Cindy J. Gossard, Clerk Treasurer

I hereby certify that RESOLUTION 14-109 was delivered to the Mayor of Westfield
on the 15 day of April, 2014, at 9:30A m.


Cindy J. Gossard, Clerk Treasurer

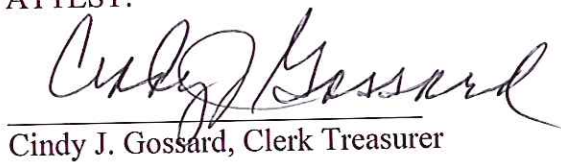
I hereby APPROVE RESOLUTION 14-109
this 21 day of April, 2014.


J. Andrew Cook, Mayor

I hereby VETO RESOLUTION 14-109
this _____ day of _____, 2014

J. Andrew Cook, Mayor

ATTEST:


Cindy J. Gossard, Clerk Treasurer



ADA Self-Evaluation And Transition Plan

ACKNOWLEDGEMENT

City of Westfield Administration

Andrew Cook – Mayor

Jim Ake – Councilman (President)

Charles Lehman – Councilman

Steve Hoover – Councilman

Robert L. Horkay – Councilman

Robert J. Smith - Councilman

Cindy L. Spoljaric – Councilwoman

Robert Stokes - Councilman

Department of Public Works

Ken Alexander – Director

Department of Human Resources

Diana Peyton – Director, ADA Coordinator

ADA Transition Plan Staff

Neil VanTrees P.E. – Engineer

Robert Kmetz – Engineering Technician

ADA Transition Plan Resources

U.S. Department of Justice

Proposed Accessibility Guidelines for Pedestrian Facilities in the Public ROW

City of Bellevue Washington

Maryland Department of Transportation - State Highway Administration

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PART 1 – INTRODUCTION AND PURPOSE

1.1 Introduction:

The City of Westfield is a community of approximately 30,000 residents. According to the 2008-2010 Census, it is estimated that 6% of the residents live with a physical, developmental, or mental disability. Accessibility to city services, activities, and desired destinations in the community where people live and work is necessary to gain the full benefit of those activities. It is up to the public agency to ensure that continuous and unobstructed sidewalks and curb ramps are available to all.

On January 22, 2004, in the case of *Barden v. Sacramento*, the 9th Circuit Court ruled that sidewalks were a “program” under ADA and must be made accessible to persons with disabilities. Prior to the *Barden* decision, it was commonly understood that the minimum requirement for achieving program accessibility, in an existing public right-of-way that is not otherwise being altered, is the installation of curb ramps at locations where existing pedestrian walkways cross curbs. The court decision in the *Barden* case relied upon the language in ADA regulations that requires city ADA Transition Plans to include a schedule for the installation of curb ramps at intersections, holding that this requirement would be “meaningless if the sidewalks between curb ramps were inaccessible.” The *Barden* decision made clear that public entities are required to invest in the repair of public sidewalks and maintain them free of barriers, physical defects and other conditions that may deny pedestrians with disabilities access to sidewalks.

1.2 Overview of the ADA and amendments:

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, and access to public accommodations, transportation, and telecommunications. The ADA is a companion civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. This legislation mandates that qualified employees with disabilities not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity. The Act also provides employees with disabilities certain protections and requires employers to make reasonable accommodation for disabled applicants and employees. The Americans with Disabilities Act Amendments Act of 2008 (ADAAA) took effect on January 1, 2009. The ADAAA, which was signed by President Bush on September 25, 2008, is

intended to restore Americans with Disabilities Act (ADA) provisions that had been eroded by a series of Supreme Court decisions.

The ADA is divided into five parts, covering the following areas:

Title I: EMPLOYMENT

Under this Title, employers, including governmental agencies, must ensure that their practices do not discriminate against persons with disabilities in the application, hiring, advancement, training, compensation, or discharge of an employee, or in other terms, conditions, and rights of employment.

Title II: PUBLIC SERVICES

This Title prohibits state and local governments from discriminating against persons with disabilities or from excluding participation in or denying benefits of programs, services, or activities to persons with disabilities. A transition plan is intended to outline the methods by which physical or structural changes will be made to effect the non-discrimination policies described in Title II. It is under this Title that this Transition Plan is prepared.

Title III: PUBLIC ACCOMMODATIONS

This title requires places of public accommodation to be accessible to and usable by persons with disabilities. The term "public accommodation" as used in the definition is often misinterpreted as applying to public agencies, but the intent of the term is to refer to any privately funded and operated facility serving the public.

Title IV: TELECOMMUNICATIONS

This Title covers regulations regarding private telephone companies and requires common carriers offering telephone services to the public, to increase the availability of interstate and intrastate telecommunications relay services to individuals with hearing and speech impairments.

Title II dictates that a public entity must evaluate its services, programs, policies, and practices to determine whether they are in compliance with the nondiscrimination requirements of the ADA. The regulations detailing compliance requirements were issued in July 1991. A self-evaluation is required and intended to examine activities and services, to identify and correct any that are not consistent with the ADA. The entity must then proceed to make the necessary changes resulting from the self-evaluation. The ADA also requires that

a transition plan be prepared, to describe any structural or physical changes required to make programs accessible.

Title V: MISCELLANEOUS PROVISIONS

This title contains several miscellaneous regulations, including construction standards and practices, provisions for attorney's fees, and technical assistance provisions.

1.3 City Responsibilities under the ADA:

The City of Westfield has various responsibilities under Title II of the ADA. Title II of the ADA is similar to Section 504 of the Rehabilitation Act of 1973, but differs in that Section 504 applies only to federal government agencies that receive federal financial assistance.

Title II mandates that, a public entity, such as the City of Westfield operates each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. However, as described in Title 28 of the Code of Federal Regulations, Section 35.150(a) (hereafter referred to as the ADA Rules), this does not necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities. Nor does it require a public entity to take any action that would threaten or destroy the historical significance of an historic property. If the public entity can demonstrate that a modification would fundamentally alter the nature of its service, program, or activity, or cause undue financial and administrative burdens, it is not required to make that particular modification. In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons must develop, within six months of January 26, 1992, a transition plan setting forth the steps necessary to complete such changes.

1.4 The Transition Plan:

This Transition Plan incorporates by reference a partial survey of City intersections, sufficient to prioritize the construction of new curb ramps and repair of existing curb ramps. In addition, the City has undertaken a full survey of City intersections, which will be completed by December 31, 2014. During the period that the full survey is being completed, the City will continue to construct curb ramps per the priorities set forth in this document. As the entire downtown area

was fully surveyed and this area contains the highest density of state and local government offices and facilities, transportation hubs, places of public accommodation and employers, the City will be able to comply with the priorities set forth in Section 35.150(d)(2) of the ADA Rules, while the full survey is completed.

Section 2.1 of this Transition Plan, entitled "Curb Ramps", identifies criteria utilized for the installation of new curb ramps and the modification of existing curb ramps. Part 2 of the Transition Plan contains summaries of surveys of City intersections and curbs ramps. The actual surveys are contained in a comprehensive computer database. Upon its completion, information related to the full survey will be added to this database. For the purpose of this Transition Plan, each curb ramp or curb ramp site is evaluated based on the requirements of the Public Rights-of-Way Accessibility Guidelines (PROWAG).

Responsible Official. The official responsible for implementation of the City's ADA Transition Plan with respect to sidewalk and curbs ramps, is the City Engineer. He/she can be reached at 317-804-3136.

1.5 Public Comments and Grievance Procedures:

The City has, and will continue to make available to applicants, participants, residents, and other interested parties, information regarding this Transition Plan. The City has also provided an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the Transition Plan by submitting comments and making specific recommendations. A copy of the draft Transition Plan has been made available for public inspection during a formal citizen review period, from April 1, 2014 to May 1, 2014. In addition to the individuals listed on page i of this document, a list of interested parties consulted during the public comment period will be contained in the Appendix. The City will maintain on file a list of persons consulted with respect to this Plan and a description of modifications made, for a minimum period of 3 years beyond the formal adoption of this Transition Plan.

The City has adopted and published grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by Title II. The City's grievance procedure and related forms for this Transition Plan are in the Appendix.

Complaints of alleged noncompliance and grievances concerning curb ramps should be directed to:

**Human Resource Manager
c/o ADA Coordinator
2728 E 171st Street
Westfield, IN 46074
317-804-3005**

PART 2 – ADA SELF-EVALUATION REPORT

2.1 Commitment to Resident Needs:

The City of Westfield is committed to making all sidewalk and curb ramp areas accessible to all pedestrians including those with disabilities. This will be accomplished through the following programs:

- All new construction under the control and/or inspection of the Department of Public Works will be in compliance with the ADA.
- Sidewalk ramps will be installed or reconstructed in accordance with ADA during all contractual roadwork construction or alterations.
- The City, with the help of Community Development Block Grant, has committed to replacing or installing ADA compliant ramps and sidewalks every year.

The missing or non-complaint curb ramps will be prioritized prior to December 31, 2014. The prioritization will follow the following general criteria.

- The curbs ramps will first be prioritized by location:
 - (a) Specific locations identified from feedback of disabled residents.
 - (b) Provide access to areas of state and local facilities or offices.
 - (c) Provide access to places of public accommodation, including downtown business areas and schools.
 - (d) Provide access to public transit.
 - (e) In residential areas to enhance safety at pedestrian crossings.
- Within the guidelines of the location priorities, we intend to use the following priorities to further breakdown the priority listing.

- (a) Specific locations identified from feedback of disabled residents.
- (b) Install missing curb ramps.
- (c) Replace non-complaint curb ramps.

In support of this city commitment, the following items will be completed prior to December 31, 2014:

A resolution for the acceptance of the Transition Plan Will be passed by city council.

- A code revision is required to include ADA criteria.
- The standard specifications and details must be revised as necessary.
- The priority listing must be generated prior to the end of 2014.
- A commitment to this program to the capital budget is required for 2014 and subsequent years.
- Public involvement Will be promoted by the city by making the Transition Plan available to all residents, organizations or interested parties via the city website and newsletter.
- The public will be included in preparation of priority listings by enabling them to submit complaints, commits and recommendations.
- Any correspondence such as complaints, comments and recommendations should be submitted to the City of Westfield:

***Human Resource Manager
c/o ADA Coordinator
2728 E 171st Street
Westfield, IN 46074***

In closing, the City of Westfield continues to make a commitment to reach and maintain complete compliance as mandated under the ADA with regard to accessibility. The city has made good progress toward the intent of the ADA before this Transition Plan was started. Through this Transition Plan, it is the city's intent to; improve upon its commitment to universal accessibility, correct all non-compliant curb ramps, and continue to install compliant curb ramps where necessary.

2.2 Demographics:

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section. Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section. Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, for 2010, the 2010 Census provides

the official counts of the population and housing units for the nation, states, counties, cities and towns. For 2008 to 2009, the Population Estimates Program provides intercensal estimates of the population for the nation, states, and counties.

Subject	Westfield town, Indiana					
	Total		With a disability		Percent with a disability	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Total civilian noninstitutionalized population	29,167	+/-773	1,745	+/-435	6.0%	+/-1.5
Population under 5 years	2,195	+/-465	16	+/-30	0.7%	+/-1.4
With a hearing difficulty	(X)	(X)	16	+/-30	0.7%	+/-1.4
With a vision difficulty	(X)	(X)	0	+/-154	0.0%	+/-2.5
Population 5 to 17 years	7,480	+/-594	182	+/-105	2.4%	+/-1.4
With a hearing difficulty	(X)	(X)	0	+/-154	0.0%	+/-0.7
With a vision difficulty	(X)	(X)	0	+/-154	0.0%	+/-0.7
With a cognitive difficulty	(X)	(X)	164	+/-103	2.2%	+/-1.3
With an ambulatory difficulty	(X)	(X)	0	+/-154	0.0%	+/-0.7
With a self-care difficulty	(X)	(X)	19	+/-33	0.3%	+/-0.4
Population 18 to 64 years	17,729	+/-626	1,189	+/-372	6.7%	+/-2.1
With a hearing difficulty	(X)	(X)	322	+/-162	1.8%	+/-0.9
With a vision difficulty	(X)	(X)	252	+/-174	1.4%	+/-1.0
With a cognitive difficulty	(X)	(X)	326	+/-181	1.8%	+/-1.0
With an ambulatory difficulty	(X)	(X)	757	+/-343	4.3%	+/-1.9
With a self-care difficulty	(X)	(X)	256	+/-173	1.4%	+/-1.0
With an independent living difficulty	(X)	(X)	242	+/-165	1.4%	+/-0.9
Population 65 years and over	1,763	+/-261	358	+/-158	20.3%	+/-8.8
With a hearing difficulty	(X)	(X)	42	+/-50	2.4%	+/-2.8
With a vision difficulty	(X)	(X)	122	+/-103	6.9%	+/-5.8
With a cognitive difficulty	(X)	(X)	51	+/-59	2.9%	+/-3.3
With an ambulatory difficulty	(X)	(X)	266	+/-136	15.1%	+/-7.4
With a self-care difficulty	(X)	(X)	129	+/-91	7.3%	+/-5.0
With an independent living difficulty	(X)	(X)	178	+/-99	10.1%	+/-5.3
SEX						
Male	14,484	+/-706	997	+/-311	6.9%	+/-2.1
Female	14,683	+/-630	748	+/-280	5.1%	+/-1.9
RACE AND HISPANIC OR LATINO ORIGIN						
One Race	N	N	N	N	N	N
White alone	25,967	+/-1,223	1,621	+/-419	6.2%	+/-1.6
Black or African American alone	N	N	N	N	N	N
American Indian and Alaska Native alone	N	N	N	N	N	N
Asian alone	N	N	N	N	N	N
Native Hawaiian and Other Pacific Islander alone	N	N	N	N	N	N
Some other race alone	N	N	N	N	N	N
Two or more races	N	N	N	N	N	N
White alone, not Hispanic or Latino	24,872	+/-999	1,468	+/-388	5.9%	+/-1.6
Hispanic or Latino (of any race)	N	N	N	N	N	N
PERCENT IMPUTED						

Disability status	7.7%	(X)	(X)	(X)	(X)	(X)
Hearing difficulty	7.1%	(X)	(X)	(X)	(X)	(X)
Vision difficulty	7.2%	(X)	(X)	(X)	(X)	(X)
Cognitive difficulty	7.2%	(X)	(X)	(X)	(X)	(X)
Ambulatory difficulty	7.3%	(X)	(X)	(X)	(X)	(X)
Self-care difficulty	7.4%	(X)	(X)	(X)	(X)	(X)
Independent living difficulty	5.7%	(X)	(X)	(X)	(X)	(X)

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

The Census Bureau introduced a new set of disability questions in the 2008 ACS questionnaire. Accordingly, comparisons of disability data from 2008 or later with data from prior years are not recommended. For more information on these questions and their evaluation in the 2006 ACS Content Test, see the Evaluation Report Covering Disability.

While the 2008-2010 American Community Survey (ACS) data generally reflect the December 2009 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2000 data. Boundaries for urban areas have not been updated since Census 2000. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2008-2010 American Community Survey

Explanation of Symbols:

1. An '***' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '***' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.

2.3 Project Approach:

For a project of this size it is important to plan ahead. Arbitrarily collecting data and trying to address any problems is inefficient and ineffective. Data could be missed or duplicated. The City began by conducting a Self-Evaluation survey, which is an inventory of all curb ramps and sidewalks within the city. The City then created a form in GIS to inventory the ramp and sidewalk data. An ipad is used to collect the data and is updated in GIS in real time. The GIS is a database of the collected information. This data can be accessed and analyzed using certain criteria, i.e. ramp type or sidewalk cross slope, which allows the user to see any deficiencies and where they are located. Using GIS makes it easier to identify problem areas, plan corrections, develop a budget and implement the plan to correct the deficiencies.

2.4 Sidewalk Data:

1. Sidewalk surface type

- Sidewalk facilities: ~190 miles
- Multi-use Trails: 69.3 miles
- Concrete surfaces: TBD miles
- Asphalt/brick/other surfaces: TBD miles

2. Sidewalk obstructions

- Fixed obstructions: TBD instances
- Movable obstructions: TBD instances
- Vegetative obstructions: TBD instances

3. Sidewalk changes in level

- 0.25" - 0.5": TBD instances
- 0.51" - 0.75": TBD instances
- 0.76" - 1": TBD instances
- > 1": TBD instances
- Total: TBD instances

4. Non-standard sidewalk grade

- 5% - 8.33%: TBD miles
- 8.34% - 10%: TBD miles
- 10.1% - 12.5%: TBD miles
- > 12.5%: TBD mile
- Total: TBD miles
- Deemed technically infeasible: TBD miles

5. Non-standard sidewalk cross slope

- 2 - 4%: TBD miles
- 4.1 - 6%: TBD miles
- 6.1 - 8%: TBD miles
- 8.1 - 10%: TBD miles
- > 10%: TBD miles
- Total: TBD miles

6. Sidewalks with either a non-standard cross slope or grade

- Including grade deemed technically infeasible: TBD miles
- Excluding grade deemed technically infeasible: TBD miles

2.5 Ramp Data:

1. Ramp type data

- Ramp locations: Approximately 1500
- Perpendicular ramp configuration: TBD
- Parallel ramp configuration: TBD
- Directional ramp configuration: TBD
- Diagonal ramp configuration: TBD
- Island/median ramp configuration: TBD
- Sidewalk locations lacking ramp access (non-standard): TBD
- Ramp inaccessible due to construction: TBD

2. Returned curb data

- Standard locations: TBD
- Non-standard locations: TBD

3. Flare data

- Slopes $\leq 10\%$ (standard): TBD
- Slopes between 10.1% – 12% (non-standard): TBD
- Slopes $> 12\%$ (non-standard): TBD

4. Ramp landing panel data

- Depth greater than or equal to 48" (best practice): TBD
- Depth between 36" - 48" (standard): TBD
- Depth smaller than 36" (non-standard): TBD
- None present (non-standard): TBD
- Slopes $> 2\%$ (non-standard): TBD

5. Ramp panel data

- Width greater than or equal to 48" (best practice): TBD
- Width between 36" - 47" (standard): TBD
- Width $< 36\%$ (non-standard): TBD
- Running slope $< 8.3\%$ (standard): TBD
- Running slope between 8.31% - 10% (non-standard): TBD
- Running slope $> 10\%$ (non-standard): TBD
- Cross slope $\leq 2\%$ (standard): TBD
- Cross slope between 2% - 4% (non-standard): TBD
- Cross slope $> 4\%$ (non-standard): TBD
- Ramps with both running slope $< 8.3\%$ (standard) and cross slope $< 2\%$

(standard): TBD

- Ramps with both running slope > 10% (non-standard) and cross slope > 4% (non-standard): TBD

6. Gutter data

- Running slope $\leq 5\%$ (standard): TBD
- Running slope > 5% (non-standard): TBD
- Cross slope $\leq 2\%$ (standard): TBD
- Cross slope > 2% (non-standard): TBD
- Non-standard gutter/ramp transitions: TBD

7. Ramps lacking detectable warning surface (non-standard)

- Total: TBD

8. Marked crossings

- Ramps without marked crossings: TBD
- Ramps with one marked crossing: TBD
- Ramps with two marked crossings: TBD
- Diagonal ramps lacking 48" clear space (non-standard): TBD

PART 3 – TRANSITION PLAN FOR SIDEWALKS & CURB RAMPS

3.1 Introduction to Curb Ramp Transition Plan:

A Transition Plan is the direct outgrowth of the Self-Evaluation survey. The purpose of the Transition Plan is to ensure access by persons with disabilities to the programs, activities and services offered by a public institution. The plan has the capacity and has specifically been developed in a way that it is continually updated to ensure the ongoing needs of the community continue to be met.

As described in this document, The City of Westfield's Self-Evaluation database and the Transition Plan are living "documents" that are regularly updated. The database of non-compliant elements is updated as new features are added and/or brought up to standard. In addition, prioritization can be updated as new information becomes available such as public input on specific barriers to mobility or new information on pedestrian incidents. As such, this report has been prepared in a format to allow for the most up to date information to be available at all times. Therefore, the database is referenced rather than including a static printout of data that is only valid at one moment in time. In addition, the report has been prepared so that the body of the report stays constant and the appendices can be updated to show current funding levels and projects scheduled for implementation.

3.2 Sidewalk/Curb Ramp Survey:

The sidewalk/curb ramp survey consists of three phases:

Data Collection – The arduous task of collecting data was done in conjunction with the City's Geographic Information System (GIS). A sidewalk/curb database was created to collect the data and to then be mapped via the GIS. Existing GIS information like road inventory and aerial photography was used to aid in the database creation. The remaining data was collected by a City representative using an Ipad. The data was collected and entered into the database in real time and didn't need to be downloaded when the person got back to the office. This saved time and reduced errors.

Database Analysis – The collected data was analyzed, verified with aerial photography, and checked for errors in the GIS. This included locations where the Ipad's GPS was used to locate problem areas (barriers) or areas that were missing data.

Barrier Analysis & Prioritization - Once all the data was collected and analyzed it was then used to prioritize the problem areas within the city.

3.3 Sidewalks:

The City of Westfield contains approximately 190 miles of sidewalk with variations in sidewalk design due to age, topography, location and natural condition. Changes occur to the City's sidewalks on a daily basis as a result of tree roots, weather, soil condition and other factors.

The City has had in place for many years a sidewalk repair/installation program, which utilizes Block Grant funds to repair or fill in gaps with in the City. The City's Street Department is available to inspect sidewalks to determine if repairs are necessary, either upon request by a property owner or any concerned citizen. It is anticipated that many barriers to mobility along the City's sidewalks may be removed, to the extent that a sidewalk is considered defective under the City's sidewalk repair program.

3.3 Multi Use Trails:

The City of Westfield contains approximately 70 miles of multi-use trails with variations in trail design due to age, topography, location and natural condition. Changes occur to the City's trail on a daily basis as a result of tree roots, weather, soil condition and other factors.

The City's Parks Department maintains all the trails within the City. They work closely with the Engineering Division of Public Works to in the planning and construction of multi-use trails within the City.

3.4 Curb Ramps:

Curb ramps will be installed at all locations, including mid-block crosswalks, where they are missing and necessary for access to sidewalks. Although the ADA does not specifically mandate replacement of all existing curb ramps that may not reflect new construction standards (as described in Federal Register, Volume 56, No. 144, ADA Rules and Regulations, Section 35.150), some of these curb ramps may present a higher degree of difficulty due to steep slopes, narrow widths, high gutter lips, and offset locations.

The statistics contained in this Transition Plan were compiled from actual locations within the City. These surveys document the presence or absence of curb ramps at corners or sides of intersections where a pedestrian crossing, whether marked or not, crosses a street or roadway.

The City of Westfield did not use any sampling methods of surveying existing curb ramp conditions to obtain general data in as fast a time frame as possible. The method used involved the surveying of all locations within the City of Westfield, which represented an accurate cross-section of the types of physical conditions of curbs in the City. Then the City's Public Works Department prioritized the transition plan according to citizens' right-of-way to major facilities. This was because it became obvious that areas most heavily used within the City would most likely represent the highest priority areas.

The overall results of the curb ramp surveys are maintained in a separate Microsoft Excel database specially developed for the City of Westfield. The database is quite large and could not feasibly be presented within this Transition Plan. The database is available for public inspection at the office of the Public Works Department, 2706 E 171st St, Westfield, IN 46140 with a 48-hour notice requested. Summary reports describing the results of the curb ramp surveys are included on subsequent pages of this Transition Plan and can be found online at www.westfield.in.gov/ADA

3.5 Curb Ramp Standards:

The City of Westfield will use its current curb ramp design standards to construct or reconstruct curb ramps. These standards are in accordance with the ADA. As the ADA standards, or, where applicable, Title 24 standards, are modified or changed, the City will update its standards to meet any new additions or changes. This will be accomplished by the City of Westfield's; Engineering Department and Development and Construction Department.

3.6 Priorities for Curb Ramp Construction and Replacement:

In creating priorities, it is the City's intent to evaluate all areas of potential deficiency, and to make structural changes where necessary. The assignment of priorities is intended to facilitate public review and to address specific concerns of the local disabled community. It must be emphasized that it is the City's intent that all individuals with disabilities be reasonably accommodated. The priorities

established are based upon two tiers of prioritization. The first tier evaluates the specific intersection or curb ramp with respect to its physical location within the city and to predominant land uses adjacent to the curb ramp. The second tier evaluates the curb ramp with respect to its quality of design, construction, and physical condition.

Part 4 - ADA Tool Kit

4.1 Introduction:

In order to facilitate access to all City programs and Departments, the City will maintain program accessibility guidelines, standards and resources. This information is available to all employees and volunteers. The City will add to these guidelines when necessary to address its needs and include information and technological devices that help staff and volunteers members communicate with individuals with a variety of disabilities. The City will periodically review the components of this section, as new technologies are developed in order to ensure that the best types of modifications are included. This section also contains the accessibility standards of care that govern new construction and alterations to facilities. If you need any additional assistance, please contact the ADA Coordinator - (317) 804-3005.

4.2 Federal Accessibility Standards and Regulations:

U.S. Department of Justice

The U.S. DOJ provides many free ADA materials including the ADA text. Printed materials may be ordered by calling the ADA Information Line (800) 514-0301 (Voice) or (800) 514-0383 (TDD). Publications are available in standard print as well as large print, audiotape, Braille, and computer disk for people with disabilities. Documents, including the following publications, can also be downloaded from the DOJ website (www.ada.gov/). Unless noted, the ADA publications have not been updated to reflect the recent revisions to the ADA regulations that took effect on March 15, 2011.

- *ADA Regulation for Title II*. This publication (http://www.ada.gov/regs2010/ADAREgs2010.htm#titleII_final_2010) describes Title II of the ADA, Pub. L. 101,336, which prohibits discrimination on the basis of disability by public entities. Title II of the ADA protects qualified individuals with disabilities from discrimination on the basis of disability in the services, programs,

or activities of all state and local governments. This rule adopts the general prohibitions of discrimination established under Section 504, as well as the requirements for making programs accessible to individuals with disabilities and for providing equally effective communications. It also sets forth Standards for what constitutes discrimination on the basis of mental or physical disability, provides a definition of disability and qualified individual with a disability, and establishes a complaint mechanism for resolving allegations of discrimination.

- *Title II Technical Assistance Manual (1993) and Supplements.* This 56,page manual (www.ada.gov/publicat.htm#Anchor-Title-49425) explains in lay terms what state and local governments must do to ensure that their services, programs, and activities are provided to the public in a nondiscriminatory manner. Many examples are provided for practical guidance.
- *Accessibility of State and Local Government Websites to People with Disabilities.* This is a 5, page publication providing guidance (www.ada.gov/websites2.htm) on making state and local government websites accessible.

U.S. Access Board

The full texts of Federal laws and regulations that provide the guidelines for the design of accessible facilities and programs are available from the U.S. Access Board. Single copies of publications are available free and can be downloaded from the Access Board's website. (www.access_board.gov/pubs). In addition to regular print, publications are available in large print, disk, audiocassette, and Braille. Multiple copies of publications can be ordered by sending a request to pubs@access_board.gov.

In addition to the guidelines, guidance material is also available to assist staff in understanding and implementing Federal accessibility guidelines.

The following publications are currently available from the U.S. Access Board.

Guidelines and Standards for Facilities

Federal guidelines and standards are subject to periodic revision based on research findings and guidance from advisory committees. The City should have a regular practice of reviewing research materials posted to the U.S. Access Board's website and updating local guidelines and practices as new standards are adopted or existing standards are revised.

- *ADA Accessibility Guidelines (ADAAG).* This document (www.ada.gov/2010ADASTandards_index.htm) contains scoping and technical requirements for accessibility to buildings and facilities by individuals with disabilities under the ADA. These scoping and technical requirements are to be applied during the design, construction, and alteration of buildings and facilities covered by Titles II and III of the ADA to the extent required by regulations issued by Federal agencies, including the DOJ and the DOT, under the ADA.
- *State and Local Government Facilities: ADAAG Amendments.* The Access Board is issuing final guidelines to provide additional guidance to the DOJ and the DOT in establishing accessibility standards for new construction and alterations of state and local government facilities covered by Title II of the ADA. The guidelines will ensure that newly constructed and altered state and local government facilities are readily accessible to and usable by individuals with disabilities in terms of architecture, design, and communication.
- *Building Elements for Children: ADAAG Amendments.* The Access Board is issuing final guidelines to provide additional guidance to the DOJ and the DOT in establishing alternate specifications for building elements designed for use by children. These specifications are based on children's dimensions and anthropometries and apply to building elements designed specifically for use by children ages 12 and younger.
- *Play Areas: ADAAG Amendments.* The Access Board is issuing final accessibility guidelines to serve as the basis for standards to be adopted by the DOJ for new construction and alterations of play areas covered by the ADA. The guidelines include scoping and technical provisions for ground level and elevated play components, accessible routes, ramps and transfer systems, ground surfaces, and soft contained play structures.

Recreation Facilities: ADAAG Amendments. The Access Board is issuing final accessibility guidelines to serve as the basis for standards to be adopted by the DOJ for new construction and alterations of recreation facilities covered by the ADA. The guidelines include scoping and technical provisions for amusement rides, boating facilities, fishing piers and platforms, golf courses, miniature golf, sports facilities, and swimming pools and spas.

Guidance Material and Advisory Reports for Facilities

The following publications provide additional information on specific aspects of the above guidelines and standards for facilities. Employees are encouraged to refer to these publications to obtain more detailed and up to date information when evaluating and implementing accessibility improvements to facilities.

- *Using ADAAG Technical Bulletin.* This bulletin was developed to serve the specific needs of architects and other design professionals who must apply the ADAAG to new construction and alterations projects covered by Titles II and III of the ADA. It is also intended to clarify accessibility regulations generally, including those that apply to existing facilities covered by the ADA.
- *Visual Alarms Technical Bulletin.* In passing the ADA, Congress specifically directed the Access Board to provide greater guidance regarding communications accessibility. Thus the ADAAG require that where emergency warning systems are provided in new or altered construction, they must include both audible and visible alarms that meet certain technical specifications. This bulletin was developed to provide more technical information about the types of visual fire alarms available and how and where their use is required.
(www.access-board.gov/adaag/about/bulletins/alarms.htm)
- *Text Telephones Technical Bulletin.* Text telephones are machinery or equipment that employs interactive graphic (i.e., typed) communications through the transmission of coded signals across the standard telephone network. Text telephones can include, for example, devices known as TDDs (telecommunications display devices or telecommunications devices for deaf persons) or computers. This bulletin was developed to provide more technical information about the types of text telephones available and how and where their use is required. (www.access-board.gov/adaag/about/bulletins/ttys.htm)
- *Ground and Floor Surfaces Technical Bulletin.* Over 27 million Americans report some difficulty in walking. Of these, eight million have a severe limitation and one fifth of this population is elderly. Ambulatory persons with mobility impairments especially those who use walking aids are particularly at risk of slipping and falling even on level surfaces. The information in this bulletin is intended to provide designers with an understanding of the variables that affect the measurement and performance of materials specified for use on walking surfaces and to better describe the requirements of an accessible route.

- *Parking Technical Bulletin.* Accessible parking requires that sufficient space be provided alongside the vehicle so that persons using mobility aids, including wheelchairs, can transfer and maneuver to and from the vehicle. Accessible parking also involves the appropriate designation and location of spaces and their connection to an accessible route. This bulletin was developed to provide more detailed information about the requirements for accessible parking including the Configuration, location, and quantities of accessible parking spaces. (www.access_board.gov/adaag/about/bulletins/parking.htm)
- *Detectable Warnings Update (March 2008).* Currently, the Access Board is in the process of developing guidelines on public rights_of_way that, once finalized, will supplement the new ADAAG. This update is expected in 2012. While ADAAG covers various features common to public streets and sidewalks, such as curb ramps and crosswalks, further guidance is necessary to address conditions unique to public rights_of_way. Constraints posed by space limitations at sidewalks, roadway design practices, slope, and terrain raise valid questions on how and to what extent access can be achieved. Guidance on providing access for blind pedestrians at street crossings is also considered essential. This bulletin outlines the requirements of detectable warnings, a distinctive surface pattern of domes detectable by cane or underfoot, which are used to alert people with vision impairments of their approach to streets and hazardous drop-offs. The ADAAG require these warnings on the surface of curb ramps, which remove a tactile cue otherwise provided by curb faces, and at other areas where pedestrian ways blend with vehicular ways. They are also required along the edges of boarding platforms in transit facilities and the perimeter of reflecting pools. (www.access_board.gov/adaag/dws/update.htm)
- *Assistive Listening Systems Technical Bulletins.* Assistive listening systems are devices designed to help people with hearing loss improve their auditory access in difficult and large_area listening situations. Typically, these devices are used in such venues as movie houses, theaters, auditoriums, convention centers, and stadiums, where they are piggybacked on a public address system. They may also be used in smaller listening locations like courtrooms, museums, classrooms, and community centers. This bulletin provides information about the types of systems that are currently available and tips on choosing the appropriate systems for different types of applications. (www.access_board.gov/adaag/about/bulletins/als_index.htm)

- *Guide to the ADAAG for Play Areas.* The Access Board has developed accessibility guidelines for newly constructed and altered play areas. This bulletin is designed to assist in using the play area accessibility guidelines and provides information regarding where the play area guidelines apply, what a play component is considered to be, how many play components must be an accessible route, and the requirements for accessible routes within play areas. (www.access-board.gov/play/guide/intro.htm)
- *Summaries of Accessibility Guidelines for Recreation Facilities.* The Access Board issued accessibility guidelines for newly constructed and altered recreation facilities in 2002. The recreation facility guidelines are a supplement to ADAAG. They cover the following facilities and elements: amusement rides, boating facilities, fishing piers and platforms, miniature golf courses, golf courses, exercise equipment, bowling lanes, shooting facilities, swimming pools, wading pools, and spas. (www.access-board.gov/recreation/summary.htm)
- *Accessibility Guidelines for Outdoor Developed Areas.* The Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas was established in June 1997. The accessibility guidelines proposed by the Committee include consideration of the latest information, design, and construction practices in existence. Proposed Section 16 of ADAAG requires all areas of newly designed or newly constructed and altered portions of existing trails connecting to designated trailheads or accessible trails to comply with this section. This proposed section also provides design guidelines for all newly constructed and altered camping facilities, picnic areas, and beach access routes. It is recognized that compliance with this section will not always result in facilities that will be accessible to all persons with disabilities. These guidelines recognize that often the natural environment will prevent full compliance with certain technical provisions, which are outlined in this publication. (www.access-board.gov/outdoor/status.htm).

Guidelines for Transportation

- *ADAAG for Transportation Vehicles.* This publication provides minimum guidelines and requirements for accessibility standards for transportation vehicles required to be accessible by the ADA, including over the road bus and tram systems. (www.access-board.gov/transit/html/vguide.htm)

- *ADAAG for Transportation Vehicles; Over the Road Buses.* This publication outlines the amendments to the accessibility guidelines for over the road buses (OTRB) made by the Architectural and Transportation Barriers Compliance Board and the DOT to include scoping and technical provisions for lifts, ramps, wheelchair securing devices, and moveable aisle armrests. Revisions to the specifications for doors and lighting are also adopted. The specifications describe the design features that an OTRB must have to be readily accessible to and usable by persons who use wheelchairs or other mobility aids.
([www.access board.gov/transit/otrb/otrbfinl.htm](http://www.access-board.gov/transit/otrb/otrbfinl.htm))
- *American Association of State Highway and Transportation Officials (AASHTO).* AASHTO is the organization that maintains the “Green Book” for design of roads and highways and has begun to address accessibility of pedestrian networks. Several AASHTO publications, which can be ordered from the AASHTO website (<http://transportation.org/>), address accessible circulation systems, including: *AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities* (1stedition) and *Guide for the Development of Bicycle Facilities* (3rd edition).
- *Federal Transit Administration (FTA).* FTA regulates and enforces requirements of the ADA covering transportation facilities and systems. FTA maintains a technical assistance line on ADA questions (888_446_4511) and on their website (www.fta.dot.gov).
- *Manuals on ADAAG for Transportation Vehicles.* These technical assistance documents ([www.access board.gov/transit/manuals/Manuals list.htm](http://www.access-board.gov/transit/manuals/Manuals_list.htm)) are one of a series provided to help in understanding the background and underlying rationale of the ADAAG for Transportation Vehicles (Vehicle Guidelines) and how the guidelines may apply in a particular case. The documents in this series include:
 - Buses, vans, and systems
 - Over the road buses and systems
 - Automated guideway transit vehicles and systems
 - Trams, similar vehicles, and systems
- *Securement of Wheelchairs and Other Mobility Aids.* As a public or private transit authority, the responsibility of safe, efficient service from public agencies who offer transportation services has been enlarged to affording ridership to people using a wide variety of mobility aids. In considering not only the many types of mobility aid devices, but also the variety and sizes of lifts, and the numerous

makes of buses and vans, it can be easily seen that there is no single, definitive solution to accessibility on mass transit vehicles. This publication reports on the experience of two transit accessibility leaders who have taken the initiative to involve the ridership in needs assessment and have established policies, educated operators, and informed the public to achieve greater accessibility in their bus transit systems.

Guidance Material for Communication

- *Standards for Electronic and Information Technology.* The Access Board is issuing final accessibility standards for electronic and information technology covered by Section 508 of the Rehabilitation Act Amendments of 1998. Section 508 requires the Access Board to publish standards setting forth a definition of electronic and information technology and the technical and functional performance criteria necessary for such technology to comply with section 508. (www.access-board.gov/sec508/standards.htm)
- Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a Federal agency, have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency. (www.section508.gov/)
- *Bulletin on the Telecommunications Act Accessibility Guidelines.* As technology continues to improve our means of telecommunication, it can pose challenges to accessibility on one hand, while on the other hold the key to innovative access solutions. Section 255 of the Telecommunications Act requires telecommunications products and services to be accessible to people with disabilities. This is required to the extent access is "readily achievable," meaning easily accomplished by the City of Westfield, without much difficulty or expense. Telecommunications products covered include: wired and wireless telecommunication devices, such as telephones (including pay phones and cellular phones), pagers, and fax machines; other products that have a telecommunication service capability, such as computers with modems, and equipment that carriers use to provide services, such as a phone company's switching equipment. (www.access-board.gov/adaag/about/bulletins/telecomm.htm)

Federal guidelines and standards are subject to periodic revision based on research findings and guidance from advisory committees. The City should have a regular practice of reviewing research materials posted to the U.S. Access Board's website and updating local guidelines and practices as new standards are adopted or existing standards are revised.

4.3 Resources for Providing Accessible Programs & Facilities:

- *ADA Document Link*: This website (www.adaLink.org) provides links to more than 7,400 documents on a wide range of ADA topics. The ADA Document Link is supported by the 10 ADA & IT Technical Assistance Centers.
- *DisabilityInfo.Gov*: A one stop interagency Link for information on Federal programs, services, and resources for people with disabilities, their families, employers, service providers, and other community members.
- *National Center on Accessibility (NCA)*: The Center (<http://ncaonline.org>) is a cooperative effort between the National Park Service (NPS) and Indiana University to provide information and technical assistance, primarily on recreation access. An example of the research activities of the NCA is the National Trails Surface Study. Initiated in 2005, this longitudinal study is primarily the result of questions that the National Center on Accessibility has, for many years and continues to receive from organizations, agencies and individuals who desire to make their trails accessible; are interested in an unobtrusive surface that blends and is friendly to the environment; and provides a quality trail experience for people with and without disabilities.
- *National Center on Physical Activity and Disability*: The Center (www.ncpad.org) provides information and resources on physical activity to help people with disabilities find ways to become more active and healthy. The Center also provides information on how to provide access to fitness centers, schools, recreation facilities, camps, and health and leisure services.
- *National Park Service*: NPS has many programs that address the issue of providing accessible recreation services to people with disabilities. These include Wilderness Accessibility for People with Disabilities. (<http://planning.nps.gov/wilderness/toolbox3.cfm>) and Director's Order #42 Accessibility, which establishes the purpose and role of the NPS Accessibility Program (www.nps.gov/accessibility.htm), lists applicable laws, standards, and

authorities, implementation strategies, roles, and responsibilities. It also addresses NPS policies and provides links to additional information sources.

4.4 Technical Resources:

The City should utilize the many disability related resources available through the internet. Begin at AbleData (www.abledata.com), maintained by the National Institute on Disability and Rehabilitation Research of the U.S. Department of Education. The site provides up to date links to assistive technologies and disability related resources. AbleData's mission is to provide objective information on such assistive products as:

- *Architectural elements*: Products that make the built environment more accessible, including indoor and outdoor architectural elements, vertical lifts, lighting, and signs.
- *Blind and low vision*: Products for people with visual disabilities, including computers, educational aids, information storage, kitchen aids, labeling, magnification, office equipment, orientation and mobility, reading, recreation, sensors, telephones, tools, travel, typing, and writing (Braille).
- *Communication*: Products to help people with disabilities related to speech, writing and other methods of communication, including alternative and augmentative communication, signal systems, telephones, typing, and writing.
- *Computers*: Products to allow people with disabilities to use desktop and laptop computers and other kinds of information technology including software, hardware, and computer accessories.
- *Controls*: Products that provide people with disabilities with the ability to start, stop, or adjust electric or electronic devices including environmental controls and control switches.
- *Deaf and hard of hearing*: Products for people with hearing disabilities, including amplification, recreational electronics, signal switches, and telephones.
- *Deaf and blind*: Products for people who are both deaf and blind.

- *Education:* Products to provide people with disabilities with access to educational materials and instruction in school and in other learning environments including classroom and instructional materials.
- *Recreation:* Products to assist people with disabilities with their leisure and athletic activities including crafts, electronics, gardening, music, photography, and sports.
- *Seating:* Products that assist people to sit comfortably and safely including seating systems and therapeutic seats.
- *Transportation:* Products to enable people with disabilities to drive or ride in cars, vans, trucks and buses including mass transit vehicles and facilities and vehicle accessories.
- *Wheeled mobility:* Products and accessories that enable people with mobility disabilities to move freely indoors and outdoors including wheelchairs (manual, sport, and powered), wheelchair alternatives (scooters), wheelchair accessories, and carts.
- *Workplace:* Products to aid people with disabilities at work including agricultural equipment, office equipment, tools, and work stations.

Assistive Technology Vendors and Service Providers

- **International Commission on Technology and Accessibility**
Initiates, facilitates, and provides information regarding technology and accessibility through the internet. This information is available to people with disability, advocates, and professionals in the field of disability, researchers, legislative bodies, and the general community. (www.ictaglobal.org)
- **National Center for Accessible Media**
A research and development facility dedicated to the issues of media and information technology for people with disabilities in their homes, schools, workplaces, and communities. NCAM has developed an authoring tool to make web and CD ROM based multimedia materials accessible to persons with disabilities. Called Media Access Generator (MAGpie, versions 1.0 and 2.01) create captions and audio descriptions of rich media and can be downloaded on their website (ncam.wgbh.org).

➤ **American Sign Language Interpreters**

A pool of on-call American Sign Language interpreters should be developed. This list should be routinely updated to ensure their availability. Some programs may need to have a pool of interpreters who are available on a 24-hour basis to handle emergency procedures. The required qualifications of these interpreters should be established. Many non-certified interpreters provided by local services may have excellent skills and be qualified to handle most circumstances. However, unique circumstances, such as the provision of emergency medical services, may require interpreters who are approved by the courts and can ensure a level of confidentiality. Resources and contacts for qualified sign language interpreters and information for the deaf and hard of hearing are at the following locations:

- Deaf & Hard of Hearing Services (DHHS)
Rehabilitative Services (DDRS)
402 W. Washington St., Rm. W453
P.O. Box 7083 Indianapolis, IN 46207-7082
1-800-545-7763
DHHSHelp@fssa.IN.gov
www.in.gov/fssa/ddrs/2637.htm
- American Sign Language Interpreter Network
www.aslnetwork.com/
- Registry of Interpreters for the Deaf
www.rid.org/

➤ **Assistive Listening Systems and Devices**

Systems and devices amplify sound for persons with hearing disabilities should be available for public meetings and conferences. Different types of devices are more suitable for different types of hearing disabilities. Devices should be chosen to accommodate the greatest number of individuals.

- *Assistive Listening Systems Technical Bulletins* - are available on the U.S. Access Board's website (www.access-board.gov/adaag/about/bulletins/als-a.htm).
- *Closed Caption Machine* - To the extent practical, City Divisions should have access to a device for encoding closed captioning on films and videotapes used for training and other programs.

- *Enlarging Printed Materials* - A copy machine capable of enlarging printed materials should be available for each site where programs or transaction counter services are provided to the public.
- *Optical Readers* - Equipment that can translate printed information into an audio format should be available to Departments.
- *TDD* - To the extent necessary, City Divisions should have access to a text telephone or have access to a telephone transfer service as required by the law and offered by public telephone companies.
- *Telecommunications for the Deaf, Inc.* - TDIs (formerly known as Telecommunications for the Deaf, Inc.) mission is to promote equal access in telecommunications and media for people who are deaf, hard of hearing, late deafened, or deaf blind. TDI's online resources (www.tdi-online.org/) include information about telecommunications access such as TTY, pagers, telephony, VoIP, and more.

Guide to Disabilities and Disability Etiquette

A summary guide to disabilities and disability etiquette has been included below. The guide will allow staff members to become familiar with a variety of types of disabilities, and help them to be more sensitive to the abilities and needs of people with disabilities in order not to offend or demean them. The guide should be periodically updated to ensure that it includes current acceptable language for talking about disabilities.

The National Organization on Disability reports that more than 59 million Americans have a disability. This section is for anyone with or without a disability who wants to interact more effectively with people who are disabled.

The ADA was conceived with the goal of integrating people with disabilities into all aspects of American life, particularly the workplace and the marketplace. Sensitivity toward people with disabilities is not only in the spirit of the ADA, it makes good business sense. It can help the City expand its services to citizens, better serve its customers and improve relationships with its employees.

When supervisors and co-workers use disability etiquette, employees with disabilities feel more comfortable and work more productively. Practicing disability etiquette is an easy way to make all people feel more comfortable and welcomed in their environment.

There is no reason to feel awkward when dealing with a person who has a disability. This section provides some basic tips for City staff to follow. If City employee is ever unsure how to best serve a person with a disability, just ask them.

➤ **Ask Before You Help**

Just because someone has a disability, don't assume he/she needs your help. If the setting is accessible, people with disabilities can usually get around fine without assistance. Adults with disabilities want to be treated as independent people. Offer assistance only if the person appears to need it. If they do want help, ask what type of help they would like before you offer any assistance. What you think they may need may not be what they really need.

➤ **Do Not Touch!**

Some people with disabilities depend on their arms for balance. Grabbing them, even if you mean well, could knock them off balance and create an injury. This is especially true of a person using a cane, crutches, or walker.

When someone is in a wheelchair, never pat their head or touch their wheelchair (or scooter) without permission. This equipment is part of their personal space and touching it is considered rude.

➤ **Engage Your Mind Before Engaging Your Mouth**

Always speak directly to the person with the disability NOT to their companion, aide, or sign language interpreter. Making small talk with a person who has a disability is great; just talk to him/her like you would anyone else. Respect his/her privacy and don't ask questions about their disability unless they invite the discussion. If you are with a child who asks, don't make the situation awkward for everyone; let the person with the disability respond directly to the child. They are used to children's questions.

➤ **Make No Assumptions**

People with disabilities are the best judge of what they can or cannot do. Do not make any decisions for them about participating in any activity or what they may or may not be able to do. Simply respond to their questions and let them make their own decisions. Depending on the situation, it may be a violation of the ADA to exclude someone because of a wrong decision on what they're capable of doing.

➤ **Respond Graciously To Requests**

When people who have a disability ask for an accommodation at a city owned property, it is not a complaint. It shows they feel comfortable enough in your establishment to ask for what they need. If they get a positive response, they will enjoy their transaction and feel comfortable to come back again and again. Unless they are asking for something outlandish, provide what is asked for. If they request something unreasonable, contact your ADA Coordinator for a direction toward a resolution.

➤ **Terminology**

PUT THE PERSON FIRST! Always say “person with a disability” rather than “disabled person”. This recognizes that they are a person first, not a disability first. If someone has a specific disability, it would be a “person who is blind”, a “person who is deaf”, or a “person with dwarfism”. Each person may have their own preferred terminology, and if you’re not sure what to use, just ask them. Most, however, will recognize the effort when you just refer to them as “people”.

Avoid outdated, politically incorrect terms like “handicapped” or “crippled”. Be aware that many people with disabilities dislike jargon and euphemistic terms like “physically challenged” and “differently abled”. Say “wheelchair user” instead of “confined to a wheelchair” or “wheelchair bound”. The wheelchair is what enables the person to get around, but they are neither confined by it nor bound to it. The wheelchair is liberating, not confining. With any disability, avoid negative, disempowering words like “victim” or “sufferer”. Say “person with AIDS” instead of “AIDS victim” or person who “suffers from AIDS”.

It’s okay to use idiomatic expressions when talking to people with disabilities. For example, saying “It was good to see you” and “See you later” to a person who is blind is completely acceptable. They will use the same terminology and it’s inappropriate to respond with questions like, “How are you going to see me later?”

People in wheelchairs will say things like, “Let’s go for a walk” and it’s okay for you to say it too. The situation will only become awkward if you make it so. Many people who are Deaf communicate with sign language and consider themselves to be members of a cultural and linguistic minority group. They refer to themselves as Deaf (with a capital D) and may be offended by the term “hearing impaired.” Others may not object to the term, but in general it is safest to refer to people who have hearing loss but communicate through a spoken language as

“people with hearing loss” and those who have a profound hearing loss as “people who are Deaf”.

Community Groups, Organizations, Associations and Commissions

There are a large number of groups nationally, regionally, and within each state that provide specialized services, information, and advocacy for persons with all disabilities. A few are included below:

- *Ability Resources, Inc.:* Ability Resources Inc. (www.ability_resources.org/home.html) was founded in 1976. Their mission is to assist people with disabilities in attaining and maintaining their personal independence. One way this can be achieved is in the creation of an environment in which people with disabilities can exercise their rights to control and direct their own lives.
- *American Council of the Blind:* ACB (www.acb.org) is a national organization advocating on behalf of persons who are blind or have low vision. ACB also publishes *A Guide to Making Documents Accessible to People Who Are Blind or Visually Impaired*. ACB is located at 1155 15th St. NW, Suite 1004, Washington, DC 20005 (800.424.8666) or by email at info@acb.org.
- *American Association of People with Disabilities:* The American Association of People with Disabilities (www.aapd.com/) is the largest non-profit, non-partisan, cross-disability organization in the United States.
- *National Association of the Deaf:* NAD is a national consumer organization representing people who are deaf and hard of hearing. NAD provides information about standards for American Sign Language Interpreters and the Captioned Media Program on its website (www.nad.org).
- *National Federation of the Blind:* NFB is a national organization advocating on behalf of persons who are blind or have low vision. NFB provided online resources (www.nfb.org) for technology for the blind, including a technology resource list, a computer resource list, screen access technology, sources of large print software for computers, and sources of closed circuit TV (CCTV's).
- *National Organization on Disability:* The National Organization on Disability promotes the full and equal participation and contribution of America's 54 million men, women and children with disabilities in all aspects of life. NOD maintains an

on line directory of information and links including transportation related resources (www.nod.org).

- *Paralyzed Veterans of America*: PVA is a national advocacy organization representing veterans. PVA's Sports and Recreation Program promotes a range of activities for people with disabilities, with special emphasis on activities that enhance lifetime health and fitness. PVA's website (www.pva.org/sports/sportsindex.htm) provides information on useful sports publications and a list of contacts.
- *United Spinal Association*: United Spinal Association is a membership organization serving individuals with spinal cord injuries or disease. Formerly known as the Eastern Paralyzed Veterans Association, the organization expanded its mission to serve people with spinal cord injuries or disease regardless of their age, gender, or veteran status. Information on accessibility training and consulting services and recreational opportunities for people with spinal cord injuries or disease is available on their website (www.unitedspinal.org).
- *World Institute on Disability*: WID is an international public policy center dedicated to carrying out research on disability issues and overcoming obstacles to independent living. WID maintains an online information and resource directory on technology, research, universal design, and the ADA. (www.wid.org/resources).
- *State of Indiana Division of Disability & Rehabilitative Services (DDRS)*: www.in.gov/fssa/ddrs/2637.htm
- *State of Indiana Protection and Advocacy Services (IPAS)*: www.in.gov/ipas/
- *Disability Resources, Inc., Guide to Disability Resources on the Internet – IN*: Disability Resources, inc. is a nonprofit 501(c)(3) organization established to promote and improve awareness, availability and accessibility of information that can help people with disabilities live, learn, love, work and play independently. www.disabilityresources.org/INDIANA.html
- *Indiana Resource Center for Families with Special Needs (IN*SOURCE)*: The mission of IN*SOURCE is to provide parents, families, and service providers in Indiana the information and training necessary to assure effective educational

programs and appropriate services for children and young adults with disabilities. IN*SOURCE employs nearly 13 staff at their central office in South Bend and 16 staff in other regional sites around the state. www.insource.org/index.htm

- *ADA-Indiana*: The mission of ADA-Indiana is to serve as a statewide resource for promoting the implementation of the Americans with Disabilities Act in Indiana. www.iidc.indiana.edu/cpps/ada/default.asp#content

Part 5 – Ordinances

5.1 Ordinance 14-XX:

ORDINANCE 14-XX
AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF WESTFIELD, INDIANA
ADOPTING “THE AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY
GUIDELINES FOR STANDARDS FOR ACCESSIBLE DESIGN AND GUIDELINES
FOR PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY” DATED
SEPTEMBER 15 2010.

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, Title II of the ADA requires that municipalities adopt the Americans with Disabilities Standards for Accessible Design that provide accessibility, through proposed structural modifications to remove accessibility barriers; and

WHEREAS, Title II of the ADA recommends that municipalities adopt the Americans with Disabilities Guidelines for Pedestrian Facilities in the Public Right-of-Way that provide accessibility, through proposed structural modifications to remove accessibility barriers; and

WHEREAS, the United States Department of Justice recently modified the ADA Standards for Accessible Design and the Guidelines for Pedestrian Facilities in the Public Right-of-Way in 2010 and 2011, respectively; and

WHEREAS, the City of Westfield remains committed to the ADA and the elimination of barriers to public facilities; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and common council of the City of Westfield, County of Hamilton, Indiana hereby adopts the 2010 Americans with Disabilities (ADA) Standards for Accessible Design and 2011 Guidelines for Pedestrian Facilities in the Public Right of Way.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS _____ DAY OF _____ 2014.

WESTFIELD COMMON COUNCIL
Hamilton County, Indiana

WESTFIELD COMMON COUNCIL

Voting For	Voting Against	Abstain
_____ Jim Ake	_____ Jim Ake	_____ Jim Ake
_____ Charles Lehman	_____ Charles Lehman	_____ Charles Lehman
_____ Steven Hoover	_____ Steven Hoover	_____ Steven Hoover
_____ Robert L. Horkay	_____ Robert L. Horkay	_____ Robert L. Horkay
_____ Robert J. Smith	_____ Robert J. Smith	_____ Robert J. Smith
_____ Cindy L. Spoljaric	_____ Cindy L. Spoljaric	_____ Cindy L. Spoljaric
_____ Robert W. Stokes	_____ Robert W. Stokes	_____ Robert W. Stokes

ATTEST:

"I affirm under the penalty of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

Cindy J. Gossard, Clerk Treasurer

Signed

I hereby certify that ORDINANCE 14-XX was delivered to the Mayor of Westfield on the _____ day of _____, 2014, at _____ m.

Cindy J. Gossard, Clerk Treasurer

I hereby APPROVE ORDINANCE 14-XX I hereby VETO ORDINANCE 14-XX
this _____ day of _____, 2014. this _____ day of _____ 2014.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk Treasurer

5.2 Ordinance 12-35 – Adoption of the ADA Coordinator and Grievance Procedure:

**ORDINANCE 12-35
AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF WESTFIELD, INDIANA
ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA)
COORDINATOR AND GRIEVANCE PROCEDURES**

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, in compliance with Title II of the ADA the City of Westfield Will name an ADA Coordinator; and

WHEREAS, in compliance with Title II of the ADA the City of Westfield Will adopt a grievance procedure for resolving complaints alleging violation of Title II of the ADA; and

WHEREAS, in compliance with Title II of the ADA the City of Westfield Will publish notice to the public regarding the ADA; and

WHEREAS, in compliance with Title II of the ADA the City of Westfield Will post the ADA coordinator's name, office address, and telephone number along with the ADA Notice and ADA grievance procedure on its website.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Westfield, Indiana:

The Human Resource Coordinator is designated as the ADA Coordinator for the City. The Notice under the Americans with Disabilities Act, a copy of which is attached hereto, is adopted as the City of Westfield Notice under the Americans with Disabilities Act.

The City of Westfield Grievance Procedure under the Americans with Disabilities Act, a copy of which is attached hereto, is adopted as the grievance procedure for addressing

complaints alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the City of Westfield.

In compliance with Federal and State laws as set forth above, the City Council resolves to post the required information regarding the ADA coordinator, Notice under the Americans with Disabilities Act, and City of Westfield Grievance Procedure under the Americans with Disabilities Act on its website and at such other locations as may be determined from time to time.



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the **City of Westfield** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: **City of Westfield** does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: **City of Westfield** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in any of the **City of Westfield's** programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: **City of Westfield** will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in any **City of Westfield** offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of **City of Westfield**, should contact the office of:

**Human Resource Manager
c/o ADA Coordinator
2728 E 171st Street
Westfield, IN 46074**

as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the **City of Westfield** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of **City of Westfield** is not accessible to persons with disabilities should be directed to:

***Human Resource Manager
c/o ADA Coordinator
2728 E 171st Street
Westfield, IN 46074***

The City of Westfield will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

5.3 ADA Grievance Procedure & Form:

Grievance Procedure Under The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Westfield. The City of Westfield Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

***Human Resource Manager
c/o ADA Coordinator
2728 E 171st Street
Westfield, IN 46074***

Within 15 calendar days after receipt of the complaint, Human Resource Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the Human Resource Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Westfield, and offer options for substantive resolution of the complaint.

If the response by the or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the *Mayor* or his/her designee. Contact number for the Mayor is 317-804-3000.

Within 15 calendar days after receipt of the appeal, the *Mayor* or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the *Mayor* or its designee will respond in writing, and,

where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the Human Resource Coordinator or his/her designee, appeals to the Mayor or his/her designee, and responses from these two offices will be retained by the City of Westfield for at least three years.

ADA GRIEVANCE FORM

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: (____) _____ Email: _____

Please provide a complete description of your grievance:

Please specify the location of your grievance:

Please state what you think should be done to resolve the grievance:

Please attach additional pages as needed.

Signature: _____ Date: _____

Please return to: **Diana Peyton**
City of Westfield ADA Coordinator
2728 E 171st Street
Westfield, IN 46074

**Upon request, reasonable accommodation will be provided in completing this form.
Contact the City of Westfield ADA Coordinator at 317-804-3005 or go to the location listed above.**